

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division

In Re:)	BK No.: 19-36181
Richard A Kozarits)	
Kimberly Kozarits)	Chapter: 13
)	Honorable A. Benjamin Goldgar
)	
)	
Debtor(s))	

AGREED ORDER RESOLVING CREDITOR FIFTH THIRD BANK, NATIONAL ASSOCIATION'S NOTICE OF DEFAULT FOR PROPERTY LOCATED AT 8S336 VINE STREET, HINSDALE, IL 60521 (DOCKET # 56)

This matter coming to be heard on the Motion for Relief from Stay (Dkt. #56) which was filed in this court by Fifth Third Bank, National Association ("Creditor"), and subsequently resolved by an Agreed Order on May 25, 2022 at docket number 87. Richard A Kozarits and Kimberly Kozarits (collectively, "Debtor") has defaulted on the Agreed Order. In order to cure the Notice of Default sent to Debtor and their attorneys on June 6, 2024, Creditor and Debtor, by and through their attorneys have agreed to a course of action which will condition the continuation of the automatic stay upon certain provisions incorporated herein for the protection of Creditor;

Debtor failed to make regular monthly mortgage payments to Creditor and is currently in default for the months of March 2024 through July 2024, incurring a total post-petition arrearage of \$17,837.30, which consists of 4 post-petition payments for March 1, 2024 through June 1, 2024 at \$3,538.93 each, 1 post-petition payment for July 1, 2024 at \$3,581.58 each, and attorney fees and costs of \$100.00. There is \$3,396.34 in suspense, which reduces the total post-petition arrearage to \$14,440.96.

IT IS HEREBY ORDERED:

1. In order to partially eliminate the post-petition delinquency, Debtor agrees to pay to Creditor and Creditor agrees to accept a lump sum payment in the amount of \$7,000.00 on or before August 20, 2024 reducing the post-petition delinquency to \$7,440.96.

2. In order to eliminate said post-petition delinquency, Creditor must receive the following payments by the corresponding dates:

- a. \$1,240.16 on or before September 20, 2024;
- b. \$1,240.16 on or before October 20, 2024;
- c. \$1,240.16 on or before November 20, 2024;
- d. \$1,240.16 on or before December 20, 2024;
- e. \$1,240.16 on or before January 20, 2025;
- f. \$1,240.16 on or before February 20, 2025.

3. That Creditor must receive the payments listed in Paragraph #1 and Paragraph #2 on or before the corresponding date. If Creditor fails to receive any one scheduled payment, the repayment schedule is void and if the Debtor fails to bring the loan post-petition current

within fourteen (14) calendar days after mailing notification to the Debtor and their attorney, the stay shall be automatically terminated as to Creditor, its principals, agents, successors and/or assigns as to the subject property, upon filing a Notice of Termination of Stay with the clerk of the court.

4. Debtor must continue to make timely post-petition mortgage payments directly to Creditor beginning August 1, 2024.

5. That Creditor must receive on-going post-petition monthly payments on or before the corresponding date in which it is due. If Creditor fails to receive any one scheduled payment, the repayment schedule is void and if the Debtor fails to bring the loan postpetition current within fourteen (14) calendar days after mailing notification to the Debtor and their attorney, the stay shall be automatically terminated as to Creditor, its principals, agents, successors and/or assigns as to the subject property, upon filing a Notice of Termination of Stay with the clerk of the court.

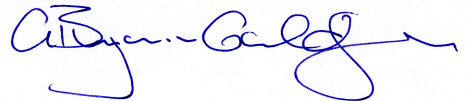
6. If Creditor has to send a Notice of Default, the Debtor shall pay \$100.00 per notice, as attorney fees, in addition to whatever funds are needed to cure the default prior to the expiration of the allowed cure period.

7. If this bankruptcy proceeding is converted to Chapter 7, dismissed or discharged, this Order shall be terminated and have no further force or effect.

/s/Todd J Ruchman
Attorney for Creditor

/s/Michelle Mandroi
Attorney for Debtor

Enter:



Honorable A. Benjamin Goldgar
United States Bankruptcy Judge

Dated: August 27, 2024

Prepared by:

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